

REMARKS

In response to the Final Office Action dated January 18, 2008, claim 1 is amended. Claims 1-8 are now active in this application. No new matter has been added.

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yonemitsu (U.S. Patent 5,617,384).

Claim 1 recites, in part, “correction control means for, after data is newly recorded to the recording medium, correcting an abnormal portion of the management information **corresponding to the newly recorded data with reference to the management information held in the management information holding means.**”

As an illustrative and non-limiting example of claim 1, FIG. 7 of the present application illustrates a UTOC0 (User Table of Contents, Sector 0) stored in RAM 10a of System Controller (MPU) 10. For the convenience of the Examiner, the above recited portion of claim 1 is repeated with exemplary identification characters from FIG. 7 inserted into the text: “correction control means (22) for, after data is newly recorded to the recording medium (1), correcting an abnormal portion of the management information corresponding to the newly recorded data with reference to the management information (UTOC0 in the initial state) held in the management information holding means (10).”

Conventionally, the U-TOC (user table of contents) of a disc is updated after the recording of the music (or other data) is finished. Thus, if power is turned off unintentionally before the U-TOC is updated, then an “abnormality” in the U-TOC occurs (the U-TOC on the disc does not match the recorded data on the disc), and **recording or playback cannot be performed properly.**

To solve this conventional problem, claim 1 holds the management information in the management information means (for example, RAM 10a in FIG. 7) so that an abnormality in the U-TOC can be corrected **without having to rewrite the entire disc**. The Examiner is directed to page 3, lines 1-16 of the present application for additional discussion.

Anticipation under 35 U.S.C. § 102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed Cir. 1987). At a minimum, the cited prior art reference does not disclose (expressly or inherently) or suggest the above recited highlighted (bolded) element.

The Office Action, at pages 2 and 3, asserts that Yonemitsu, at column 9, lines 57-61, discloses a correction control means for correcting an abnormal portion of the management information corresponding to the current recording medium held in the management information holding means with reference to the management information in the initial state in response to the correction instruction information from the correction manipulation means.

However, Yonemitsu, at column 9, lines 57-61, merely states,

In addition, **TOC information that is recovered from disk 100**, after being error corrected by error correcting circuit 216 and error detected by EDC detector 222, is coupled to a TOC memory 223 for use in controlling a data playback operation and for permitting rapid access to user data.

Additionally, Yonemitsu, at column 9, lines 9-56, merely states:

Ring buffer 217 is coupled to an **error correcting circuit 216 which functions to correct errors that may be present in the data stored in the ring buffer**. For example, when data is recorded in the long distance code formed of, for example, C1 code words, each comprised of 136 symbols including 116 symbols representing data (i.e. C2 data), **12 symbols representing C2 parity and 8 symbols representing C1 parity**, error correcting circuit 216 first uses the C1 parity symbols to correct errors that may be present in the C1 word. A corrected C1 word is rewritten into ring buffer 217; and then the error correcting circuit uses the C2 parity symbols for further error correction. Those data symbols which

are subjected to further error correction are rewritten into the ring buffer as corrected data. Reference is made to aforementioned U.S. Re. Pat. No. 31,666 for an example of error correction.

In the event that an error in the sector header is sensed, error correcting circuit 216 uses the C1 parity symbols to correct the sector header, and the corrected sector header is rewritten into a sector header detector 221. Advantageously, the C2 parity symbols need not be used for sector header error correction....

Thus, Yonemitsu merely uses error correcting circuit 216 to correct errors in data (such as TOC **in the disc**) by using C2 parity and C1 parity information. In other words, Yonemitsu corrects errors in data in the disc using C2 and C1 parity information in the disc (which is also subject to recording and reading errors), and **not with reference to any information held in another location**.

In contrast to Yonemitsu, claim 1 corrects an abnormal portion of the management information corresponding to the newly recorded data by referencing management information **held in a different location** (held in the management information holding means).

Additionally, Yonemitsu will not solve the conventional problem (discussed above) wherein power is lost during recording and the U-TOC is not recorded on the disc. In this case, the U-TOC data is not present on the disc, and the parity information for the U-TOC data also is not on the disc. In other words, Yonemitsu is directed towards widely dispersed small errors of a single bit here and a single bit there, and cannot solve the conventional problem discussed above wherein the U-TOC on a disc is not updated due to power failure.

Thus, Yonemitsu does **not** teach or suggest, "correction control means for after data is newly recorded to the recording medium, correcting an abnormal portion of the management information **corresponding to the newly recorded data with reference to the management information held in the management information holding means,**" as required by claim 1.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

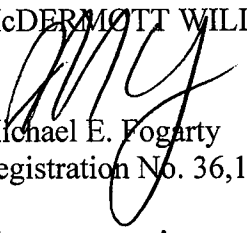
Thus, it is respectfully submitted that dependent claims 2-8 are patentable for at least the same reasons as independent claim 1.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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